



# NYSAC Raise the Age Presentation

## Update on State Implementation Efforts

July 24, 2018

# RTA Background

- The Raise the Age (RTA) legislation was signed by the Governor on April 10, 2017 (Part WWW of Chapter 59 of the Laws of 2017)
- Governor Cuomo proposed a landmark \$100 million investment for RTA-related expenditures that was secured in the FY 2019 Budget
- RTA implementation is a collaborative effort between the Human Services and Public Safety agencies of the state, including: Office of Children and Family Services (OCFS), Division of Criminal Justice Services (DCJS), State Commission of Correction (SCOC), Department of Corrections and Community Supervision (DOCCS), and Division of Budget (DOB)



# RTA Implementation Updates

- RTA Task Force Members Announced
- Fiscal Planning Instrument sent to the Counties
- OCFS and SCOC Specialized Secure Detention regulations issued
- RTA Local Planning Guide issued
- \$100 million included in FY 2019 Budget for RTA-related expenditures
- Population Projections sent to all County Executives, Local Social Service Directors, Probation Directors, Sheriffs, and District Attorneys
- RTA Regional Roundtables
- Ongoing inter-agency meetings with Office of Court Administration and State Education Department



# FY 2019 State Budget

- This year's Budget included a \$100 million investment in a continuum of prevention, diversion, treatment, re-entry, and supervision services to successfully implement RTA
- These investments focus on early intervention and diversion to stem the flow of youth into the criminal justice system
- Upon implementation, rehabilitative treatment will be expanded to over 10,000 young people
- This will also improve youth outcomes in education and employment, reduce future crimes and victimization, and significantly reduce long-term system costs



# Raise the Age Task Force (announced April 30, 2018)

## Members:

- Anthony Annucci, Acting Commissioner, Department of Corrections and Community Supervision
- Hon. Michael Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City
- David Condliffe, Executive Director, Center for Community Alternatives
- RoAnn Destito, Commissioner, Office of General Services
- Nancy Ginsburg, Esq., Director of Adolescent Intervention and Diversion Team, Legal Aid Society
- Eric Gonzalez, District Attorney, Kings County District Attorney's Office
- Mike Green, Executive Deputy Commissioner, Division of Criminal Justice Services
- Peter Kehoe, Executive Director, NYS Sheriffs' Association
- William Leahy, Director, NYS Office of Indigent Legal Services
- Robert Maccarone, Deputy Commissioner and Director of the Office of Probation and Correctional Alternatives, Division of Criminal Justice Services
- Hon. Edwina G. Mendelson, Deputy Chief Administrative Judge for Justice Initiatives
- Sheila Poole, Acting Commissioner, Office of Children and Family Services
- Naomi Post, Executive Director, Children's Defense Fund-NY
- Allen Riley, Chairman, State Commission of Correction
- Todd Scheuermann, Unit Chief, New York State Division of Budget



# Division of Criminal Justice Services, Office of Probation and Correctional Alternatives



# Probation RTA Objectives

- Effective client engagement and community based services to improve youth outcomes
- Front-loading probation services – early client engagement
- Increase the rates of probation adjustment (Diversion)
- Reduce the need for Family Court adjudication
- Reduce reliance on detention and out-of-home placements
- Reduce the rate of probation violations that drive costly detention and placement
- Reduce long-term recidivism rates



# Probation Specialized Juvenile Justice Training

## Five Day Training Curriculum

- Effective client engagement and trauma informed guidance
- Procedural Justice – respect and fairness
- Enhanced evidence-based practices
- Improved assessment and case planning
- Motivational interviewing training (two-day)
- Stages of change
- Implicit bias and racial and ethnic disparities training
- Cognitive behavioral interventions and services
- Graduated responses – incentives and sanctions
- Differential responses to non-compliant behavior





# 2018 Enhanced Five-Day Regional Probation Training – Dates and Locations

**April 23 – 27:** Albany, Albany County (Pilot)

**June 18 – 22:** Buffalo, Erie County

**July 9 – 13:** White Plains, Westchester County

**July 30 – August 3:** Syracuse, Onondaga County

**September 10 – 14:** Massapequa Park, Nassau County

**December 3 – 7:** Lake George, Warren County



# Probation Judicial Training – Summer Seminars

**Purpose:** Training the Judiciary in probation evidence based practices to improve youth outcomes in New York State

**Dates:** July 20 and 27 and August 10, 2018

**Location:** Rye, New York



# Program Changes to Enhance Youth Outcomes

- Screen youth and provide alternatives to detention
- Front-load services for improved probation intake and adjustment
- Provide voluntary assessment and case planning services in the Youth Part and advise the Courts of alternatives to detention
- Supervision of persons sentenced to or placed on probation
- Use graduated responses (incentives and sanctions) to address non-compliant behavior and reduce violations of probation



# RTA funded Community Based Services

- Low Intensity
  - Youth Court
  - Mediation
  - Community Service
- Cognitive Behavioral Interventions
  - Thinking for a Change
  - Aggression Replacement Therapy
- Behavioral Health
  - Mental Health
  - Substance Abuse
- Vocational, Educational, Employment
  - Career University
- Intensive Family Therapy
  - Brief Strategic Family Therapy
  - Functional Family Therapy
  - Multisystemic Therapy



# Technology Improvements – Probation Case Management Systems

- 56 County and the City of New York Probation Departments operate the standardized probation automated case management system (Caseload Explorer)
- DCJS is funding program changes in Caseload Explorer to equip local probation practitioners with the tools to successfully implement RTA in New York State and provide a source for statewide data to evaluate RTA
- Caseload Explorer will be fully operational by October 1, 2018



# Office of Children and Family Services (OCFS)



# OCFS Updates: At a Glance

- Detention
- Residential Capacity for RTA Foster Care Youth
- OCFS Juvenile Facilities
- Judicial Training

# Detention

OCFS has been regularly engaged with provider counties in preparation for October 1, 2018 and has:

- Held two summits with secure detention providers to work through fiscal, regulatory, policy, and operational considerations for Specialized Secure Detention (SSD)
- Held one summit with non-secure detention providers to address RTA implications
- Conducted numerous site visits, providing technical assistance and policy guidance





# Detention

- Promulgated regulations for specialized secure detention
- Provided counties/consortia with data projections
- Improved billing and claiming methodology for secure and specialized secure detention that benefits both provider and user counties
- Held a PINS Summit, in conjunction with DCJS, Unified Court System, and the Permanent Judicial Commission, to address issues pending with 2019 budget
- Construction in progress at 6 of 8 secure detention facilities; pending at 2

# Child Welfare: Residential Beds for JDs

OCFS has:

- Released a Request for Applications (RFA) for specialized residential services for the RTA youth expected to proceed through Family Court
- Approved 13 Voluntary Agencies (VAs) to create specialized RTA programs statewide (171 beds for year 1)
- Created a special Maximum State Allowable Rate (MSAR) to provide for enhanced programming and staffing (including increases to staff salaries to address recruitment and retention)
- Convened monthly Learning Collaborative meetings with the 13 VAs



# Child Welfare

- Established anchor counties to support VA start-up costs and “gap” expenses for the first three years
- Developed an MOU between OCFS and anchor counties
- Developing “model contract” language for the counties and voluntary agencies for RTA programs
- Collaborated with State Education Department to develop appropriate educational and vocational programming in RTA programs



# OCFS Facilities

OCFS's Division of Juvenile Justice and Opportunities for Youth (DJJOY) is expanding:

- DJJOY is recommissioning buildings on the Industry Residential Center's campus (Rush, NY) to add 80 limited secure male beds
- DJJOY is re-opening the Harriett Tubman Residential Center (Sennett, NY) to provide 25 limited secure female beds
- DJJOY will monitor the placement trends during the initial months of RTA and determine if these are sufficient bed numbers to meet the JD population demands



# Judicial Training Institute

- Training Family Court and Youth Part Judges
- Focus on:
  - Levels and types of detention
  - Levels and types of placement
  - Family Court Detention Risk Assessment for Juvenile Delinquents
  - Detention decision making
  - Placement lengths of stay



# State Commission of Correction (SCOC)



# Construction, Renovation, and Certification of SSD Facilities

- Regulations have been promulgated for the Construction, Renovation, and Certification of Specialized Secure Detention (SSD) Facilities
- Construction and Renovation Regulations can be found at 9 NYCRR Part 7303
- Certification Regulations can be found at 9 NYCRR Part 7304
- Please contact Terry Moran with any construction ideas or questions at [infoscoc@scoc.ny.gov](mailto:infoscoc@scoc.ny.gov)



# Operation Regulations for SSD Facilities

- Regulations regarding operations have been proposed and can be located on the SCOC website: [www.scoc.ny.gov](http://www.scoc.ny.gov)
- Proposed regulations cover:
  - Admissions; Security and Supervision; Visitation; Food Service; Health and Mental Health Services; Classification; Personal Hygiene; Classification; Maximum Facility Capacity; Reportable Incidents; Printed Material and Publications; Exercise, Recreation and Leisure Activities; Access to Legal Services; Grievance Program; Correspondence and Telephone; Religion; Deathbed and Funeral Visits; Nondiscriminatory Treatment; Sanitation; Fire Prevention and Safety; Environmental Health and Safety; Good Behavior Allowances and Sentencing Calculation; and Variances





# Department of Corrections and Community Supervision (DOCCS)



# AO Facilities: Site Locations

- Hudson CF currently houses 16- and 17-year-olds pursuant to Executive Order 150 and will transition into an AO facility
- Adirondack CF and the former Groveland Annex will also become AO facilities

## Hudson CF:

- Columbia County
- Currently houses incarcerated 16- and 17-year-olds
- Will remain the reception center for all AOs
- Will be the only facility to house female AOs

## Adirondack AO Facility (formerly Adirondack CF):

- Essex County
- Current Status: Medium Security, Male Facility
- Operational Date: October 1, 2018

## Sonyea AO Facility (formerly Groveland Annex):

- Livingston County
- Current Status: Decommissioned Medium Security, Male Facility
- Operational Date: October 1, 2019



# AO Facilities: County Housing

- As an interim measure before the law takes effect, DOCCS will continue to review requests from counties to house 16- and 17-year-olds who receive a definite sentence of imprisonment in excess of 90 days at Hudson CF
- If approved, due to limited capacity, there will be a per capita cost associated with housing these youth from the counties
- After Phase 1 of RTA implementation, DOCCS will continue this practice as it relates to 17-year-olds



# AO Facilities: Discharge Planning Services

- Discharge Planning Services are a coordinated effort between DOCCS correction and community supervision staff, re-entry services, County Re-Entry Task Forces (CRTFs), and OCFS
- Where appropriate, this includes:
  - Family reintegration
  - Housing assistance
  - Mental health and medical continuity of care
  - Employment support
  - Educational needs
- Counties can sign up for a monthly automated email notification that will provide information on AOs released to their counties



# Post Release Supervision

- DOCCS Community Supervision staff will provide post release supervision to both AOs released from DOCCS and JOs released from OCFS and DOCCS:
  - They will be supervised by a Parole Officer in bureaus based on county/area of residence
  - Until the age of 18, they will be supervised at a Youthful Offender risk level, which is a supervision ratio of 40:1
  - At age 18, a risk assessment instrument will determine the appropriate level of supervision

# Division of Budget (DOB)

# Reimbursement Certification

- Consistent with the Raise the Age statute, the State remains committed to providing 100% reimbursement for incremental costs incurred from RTA implementation
- Counties that have adopted a budget that does not exceed the property tax cap must submit a certification of compliance to the NYS Division of Budget
- As of Monday 7/23/18, the NYS Division of Budget has received this certification from nineteen (19) counties



# Tax Cap Compliance and Financial Hardship

- If a county's most recently adopted budget exceeds the property tax cap, the State may waive the local share of Raise the Age costs based upon a determination of financial hardship
- Applications for a waiver based on financial hardship were made available to counties in June and rely on three (3) tests to determine financial hardship:
  1. Financial Restructuring Board (FRB) Criteria; or
  2. A Fiscal Stress Designation from the Office of the State Comptroller (OSC); or
  3. Additional Financial Hardship Justification (for counties that do not meet Tests 1 or 2)





# Comprehensive Fiscal Plans

- Counties may now submit their Comprehensive Plans to request State reimbursement for anticipated, eligible incremental Raise the Age-related expenses
- A fiscal planning instrument was made available to counties last month:
  - The instrument is designed to help counties identify eligible costs and gauge reasonableness of requests based upon county specific projections of arrest and case processing activity
  - Completion and submission of this instrument is required to be approved by the NYS Division of Budget for county reimbursement – there is no submission deadline
- Only costs identified in the Comprehensive Plans will be considered for reimbursement, which can be amended by counties, as appropriate



# Comprehensive Fiscal Plans

- The fiscal planning instrument can be found at:

<https://www.ny.gov/sites/ny.gov/files/atoms/files/fiscal-planning-instrument.xlsx>

- Plans should be submitted to: [LocalRTAGuide@ocfs.ny.gov](mailto:LocalRTAGuide@ocfs.ny.gov)





# Questions?

Website: <https://www.ny.gov/programs/raise-age-0>

Question Submissions: <https://www.ny.gov/content/raise-age-ask-question>

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